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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,824	08/19/2003	Hirotsugu Maeda	0943-0140P	3094

2292 7590 03/23/2004

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EXAMINER

COLETTA, LORI L

ART UNIT PAPER NUMBER

3612

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/642,824

**Applicant(s)**

MAEDA, HIROTSUGU

**Examiner**

Lori L. Coletta

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☒ Claim(s) 9 is/are rejected.
- 7) ☒ Claim(s) 1-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 81903 and 121703.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 9-16 are objected to because of the following informalities:

Regarding claim 9, "a second end" (line 6) needs to be changed to --said second end--.

Regarding claim 10:

It appears that claim 10 should depend from claim 9, instead of claim 1.

"a vehicle" (line 1) needs to be changed to --said vehicle--.

"said wall" (line 3) needs to be changed to --a wall--.

"the distal end said hinge arm" (line 8) needs to be changed to --the distal end of said hinge arm--.

Regarding claim 11:

It appears that claim claim 11 should depend from claim 9, instead of claim 1.

"a vehicle" (line 1) needs to be changed to --said vehicle--.

"said wall" (line 3) needs to be changed to --a wall--.

"a rear opening" (line 4) needs to be changed to --said rear opening--.

Regarding claim 12, "a vehicle" (line 1) needs to be changed to --said vehicle--.

*See same deficiency in claims 13-16 (line 1).*

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claim 9 is rejected under 35 U.S.C. 102(a) as being anticipated by Pelletier et al.

6,397,836.

Regarding claim 9, Pelletier et al. '836 discloses a damper mechanism comprising a hinge arm (52) including a distal end and a proximal end, said proximal end being adapted for mounting relative to a door designed for closing a portion of a opening; a damper (72) including a first end and a second end; said first end being adapted for mounting relative to a opening and said second end being secured to said distal end of said hinge arm; wherein said damper slows the opening and closing movements of said lower door.

*Allowable Subject Matter*

4. Claims 1-8 are allowed.

5. Claims 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The recitations of the specific features of the vehicle rear structure in claim 1 including especially the construction of the damper mechanism placed between the outer panel and the inner panel constituting the wall of the vehicle body and attached to the lower door for slowing opening and closing movements of the lower door is not taught nor is fairly suggested by the prior art of record.

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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references show several other vehicle rear structures similar to that of the current invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lori L. Coletta whose telephone number is (703) 306-4614. The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Lori L. Coletta*  
Lori L. Coletta  
Examiner  
Art Unit 3612  
3/17/2004

Lori L. Coletta  
March 17, 2004